



Andrea Holmes

Bill Analysis
Legislative Service Commission

Am. H.B. 286
127th General Assembly
(As Passed by the House)

Reps. Sykes and Batchelder, Celeste, Luckie, Collier, Bacon, Webster, Strahorn, S. Williams, Healy, Evans, Harwood, Huffman, Fessler, Otterman, Brown, Mallory, Schindel, Daniels, D. Stewart, Domenick, Flowers, Blessing, Boyd, Budish, Chandler, Combs, DeBose, Dyer, Foley, Gerberry, Gibbs, Goyal, J. Hagan, R. Hagan, Heard, Hughes, Letson, J. McGregor, R. McGregor, Oelslager, Setzer, Skindell, Slesnick, Szollosi, Yates, Yuko

BILL SUMMARY

- Requires the committee named in an initiative petition to file, at the time the petition is filed, a statement identifying the petitioners' intent in proposing the initiated statute or constitutional amendment.
- Permits the Joint Committee on Agency Rule Review to recommend that a proposed rule be invalidated if the proposed rule conflicts with the petitioners' statement of intent in adopting the statute or constitutional amendment on which the rule is based.

CONTENT AND OPERATION

A ten-member legislative joint committee, the Joint Committee on Agency Rule Review (JCARR), is required to review certain proposed agency administrative rules. Under current law, JCARR may recommend legislative invalidation of a proposed rule, or of an amendment to or rescission of a rule, if it finds that the proposed rule, amendment, or rescission conflicts with the legislative intent in enacting the statute that authorized the rule-making agency to take such action. Under the bill, JCARR also may recommend legislative invalidation of a proposed rule, or of an amendment to or rescission of a rule, if it finds that the rule, amendment, or rescission conflicts with the petitioners' intent in initiating the statute or constitutional amendment that authorized the rule-making agency to take such action, if the statute or constitutional amendment was enacted under the initiative provisions authorized by the Ohio Constitution. The bill defines "petitioners' intent" to mean the intent of a majority of the members of the

committee that must be established under the Election Law to represent the petitioners for that statute or constitutional amendment, as is expressed in the statement of intent filed along with the petition containing the verified text of the proposed statute or constitutional amendment. (R.C. 119.03(I)(1)(c) and (J).)

The bill requires the petitioners to submit such a statement of intent, along with the petition containing the verified text of the proposed statute or constitutional amendment and a summary of the proposal, when the petitioners present these documents to the Attorney General for certification that the petitioners' summary is fair and truthful. The bill further requires the Attorney General to file the statement of intent with the Secretary of State at the same time that the Attorney General, as required by current law, files with the Secretary of State a verified copy of the proposed law or constitutional amendment, the summary of the proposed law or constitutional amendment, and the Attorney General's certification that the petitioners' summary of the proposal is fair and truthful. (R.C. 3519.01(A).)

HISTORY

ACTION	DATE
Introduced	07-17-07
Reported, H. State Gov't & Elections	04-14-08
Passed House (98-0)	05-22-08

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